

# JOURNAL OF THE SENATE

Tuesday, April 28, 1970

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

## INTRODUCTION

By Senator Ducker—

**SB 923**—A bill to be entitled An act relating to the Real Estate License Law; amending Section 475.25 (1)(a), Florida Statutes; providing that a registrant may be suspended for misconduct outside of Florida; amending Section 475.25 (1)(c), Florida Statutes; providing that a registrant may be suspended for failure to account to another registrant for a share of commission received, providing an effective date.

Was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

By Senator Weissenborn—

**SB 924**—A bill to be entitled An act relating to exemptions from the transient rental sales tax; amending section 212.03(4), Florida Statutes, to provide that persons who rent continuously shall not pay the tax more than twelve (12) months; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Henderson—

**SB 925**—A bill to be entitled An act relating to local government; amending section 1(4) of Chapter 69-32, Laws of Florida, General Acts of 1969, redefining notice to require publication by title only; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Organization.

By Senator Henderson—

**SCR 926**—A concurrent resolution requesting the Domestic Names Committee, Board of Geographic Names, United States Department of the Interior to name certain islands in honor of Arthur Britton Edwards.

Was read the first time in full and referred to the Committee on Natural Resources and Conservation.

By Senator Henderson—

**SB 927**—A bill to be entitled An act relating to the excise tax on documents; amending section 201.02, Florida Statutes; providing that the tax on deeds and other instruments relating to lands shall be payable upon transactions involving the leasing of cooperative apartments to the tenant-stockholder; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Henderson—

**SB 928**—A bill to be entitled An act for the relief of Travel, Incorporated, a Florida corporation, in Sarasota County; providing an appropriation to compensate it for damages sustained as a result of the negligence of the office of the secretary of state; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Henderson—

**SB 929**—A bill to be entitled An act relating to public food service establishments; amending subsection (2)(b)(5) of section 509.241, Florida Statutes, by eliminating the exemption for movie theatres which prepare and serve food; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Henderson—

**SB 930**—A bill to be entitled An act authorizing the division of adult corrections of the department of health and rehabilitative services to utilize funds already appropriated for a warehouse at Dorr Field to construct the warehouse and needed maintenance shops; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Gong—

**SB 931**—A bill to be entitled An act relating to the solicitation of charitable funds; amending chapter 496, Florida Statutes, by adding sections 496.021, 496.151, and 496.161, and amending sections 496.02(5), 496.03, 496.04, 496.041, and 496.13, Florida Statutes; defining "professional solicitor"; providing for powers and duties of the department of state; requiring registration forms co-signed by two (2) officers of the charitable organization; providing for identification cards for solicitors; providing a ten dollar (\$10) administrative charge for those organizations exempt from paying the regular fee; providing for loss of exemption; providing for independent reporting by branch, chapter, or affiliate organizations receiving funds from other than the reporting organization; providing for time for filing and for loss of exemption by soliciting under an expired registration; providing for filing of the percentage of the gross contributions expended for administration and for charitable purposes; requiring that persons solicited be informed of the percentage of gross proceeds used for charitable purposes; authorizing the department of state or prosecuting attorney to institute suits in the name of the state; authorizing the department of state to request issuance of warrants; providing that all funds derived from fees under chapter 496, Florida Statutes, be deposited in the general revenue fund; providing for last date for compliance under this act; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Ways and Means.

By Senator Lane—

**SB 932**—A bill to be entitled An act for the relief of Roy V. Carey, as father and next friend of Rodney Carey, a minor, providing an appropriation to compensate for damages resulting in blindness of said minor son, sustained as a result of the negligence of the Board of Public Instruction of Monroe County, Florida; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 932.

Was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Barron—

**SB 933**—A bill to be entitled An act relating to premium finance companies; amending section 627.1012(1), Florida Statutes, to provide that notice of intent to cancel an insurance contract shall be mailed by the premium finance company to the insured or insureds; providing an effective date.

Was read the first time by title and referred to the Committee on Insurance.

By Senator Knopke—

**SB 934**—A bill to be entitled An act relating to occupational license taxes, contractors; amending section 205.301, Florida Statutes; exempting contractors from obtaining a county occupational license in the county where they perform work pursuant to a contract with the state or any agency thereof except counties; exempting contractors performing work pursuant to a county contract from obtaining a municipal occupational license; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Stone—

**SR 935**—A Resolution urging the United States Congress to employ girl pages.

Was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Weber—

**SCR 936**—A concurrent resolution creating a select joint committee to conduct a study of mobile, modular and pre-fabricated housing and to report its findings and recommendations to the 1971 session of the Legislature.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senator Lane—

**SB 937**—A bill to be entitled An act relating to the department of health and rehabilitative services; creating a new chapter 409, Florida Statutes, consisting of sections 409.016, 409.026, 409.036, 409.046, 409.047, 409.056, 409.066, 409.076, 409.086, 409.096, 409.116, 409.126, 409.136, 409.146, 409.156, 409.166, 409.176, 409.186, 409.196, 409.206, 409.216, 409.226, 409.236, 409.246, 409.256, 409.268, 409.276, 409.288, 409.296, 409.316, 409.326, 409.336, 409.346, 409.356, 409.360, 409.366, 409.376, and 409.386; providing definitions; providing the department shall administer all family services work within the state; providing functions of department and division of family services; providing for appointment and duties of director of division; creating the family services advisory council; providing for its members and their qualifications, appointment, and duties; providing the department shall be a body corporate; authorizing sale or property; providing for deposit and transfer of funds; providing for administrative service areas; providing for area family services advisory councils and their membership and duties; providing for employee regulations; providing responsibilities of department and division for care of children; providing for licenses; providing for determination of and payment of financial assistance; providing for action for support of dependent children; providing for medical assistance; providing for hearings and appeal; providing penalties; providing for recovery of payments; providing public assistance payments shall constitute debt of recipient; providing public assistance rolls shall be open; providing for photographing and destruction of records; authorizing photographing of records; repealing sections 409.015, 409.025, 409.035, 409.045, 409.055, 409.065, 409.075, 409.085, 409.095, 409.105, 409.115, 409.125, 409.135, 409.145, 409.155, 409.165, 409.175, 409.185, 409.195, 409.205, 409.215, 409.225, 409.235, 409.245, 409.255, 409.265, 409.266, 409.275, 409.285, 409.295, 409.315, 409.325, 409.335, 409.345, 409.355, 409.365, 409.375, 409.385, Florida Statutes (all as created by chapter 69-268, Laws of Florida), relating to the creation of the state department of social services and the state board of social services; repealing sections 412.011, 412.021, 412.031, 412.041, 412.051, 412.061, 412.071, 412.081, 412.091, and 412.101, Florida Statutes, which created the Florida commission on aging; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Governmental Organization.

By Senator de la Parte—

**SB 938**—A bill to be entitled An act relating to the division of youth services; amending chapter 959, Florida Statutes, as created by chapter 69-365, Laws of Florida, by adding sections 959.23 and 959.24; providing that inspection of juvenile detention facilities shall be performed by the division of youth services; defining "juvenile detention facility"; providing for the establishment of standards and requirements; providing for enforcement by the division of youth services; providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare, and Institutions.

By Senator de la Parte—

**SB 939**—A bill to be entitled An act relating to the division of youth services and to judges of courts having criminal jurisdiction; adding section 959.115, Florida Statutes, as created by Chapter 69-365, Laws of Florida, to provide that the judge of any court having criminal jurisdiction may in an appropriate case, as an alternative to sentencing to state or county prison, commit to the division of youth services; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Judiciary.

By Senator Stolzenburg—

**SB 940**—A bill to be entitled An act relating to state aircraft; amending section 287.16 (3) by deleting the provision allowing state aircraft to be assigned to the governor or cabinet and by removing the provision limiting state aircraft to two-engine prop jets; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Organization.

By Senator Knopke—

**SB 941**—A bill to be entitled An act relating to cemeteries; amending section 559.32, Florida Statutes, to include in the definition of "cemetery company" cemetery sales organization, cemetery management organization, and cemetery broker, and providing additional definitions; amending section 559.33, Florida Statutes, to provide method and manner for establishing new cemeteries; amending section 559.43, Florida Statutes, to provide time within which to make deposits to care and maintenance trust fund and within which entire amount must be paid; amending chapter 559, Florida Statutes, by adding sections 559.441 and 559.482, regulating the sale of personal property and services with regard to the disposition of human remains, and providing for establishment of trust fund; prescribing requirements regulating construction of mausoleums; providing a penalty; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Ways and Means.

By Senators Karl and Daniel—

**SB 942**—A bill to be entitled An act to establish a charter government for Volusia County; to provide for the separation of powers; to establish a legislative body; to establish an administrative branch; to provide for the continuation of the existing judicial system; to establish departments of county government; to provide authority for the appointment of advisory, adjustment and regulatory boards; to provide for a system of elections for county officers; to provide for a uniform personnel administration system; to provide for a unified budget system for the county; to provide for the consolidation into the charter government of the amendment of the acts creating certain boards, districts, authorities and agencies including; east volusia navigation district, chapter 37-18967; halifax area research commission, chapter 59-1950; halifax drainage district, chapter 19-7968; halifax river waterways improvement district, chapter 53-29596; lake ashby drainage district, chapter 18-7760; new smyrna inlet district, chapter 25-10448; north ormond drainage district, chapter 27-12107; northeast volusia development authority, chapter 61-02977; south county drainage district, chapter 67-1022; turnbull hammock drainage district, chapter 17-7611; volusia county sanitary district, chapter 53-29587; volusia county water and sewer district, chapter 59-1951; volusia county water district, chapter 51-27960; water conservation and control authority, chapter 63-1019; daytona beach special road and bridge district, chapter 25-11783; deland-lake helen special road and bridge district, chapter 25-11275; deleon springs-glenwood special road and bridge district, chapter 27-13493; deleon springs-seville special road and bridge district, chapter 21-8851; east volusia special road and bridge district, chapter 55-31335; halifax-st. johns river road and bridge district, chapter 27-498; halifax special road and bridge district, chapter 27-13514; lake helen-osteen special road and bridge district, chapter 23-9654; new smyrna-coronado beach special road and bridge district, chapter 27-13497; new smyrna beach special road and bridge district, chapter 19-8205; orange city-enterprise special road and bridge district, chapter 23-9653; orange city-lake helen special road and bridge district, chapter 27-13496; ormond special road and bridge district, chapter 27-13495; osteen-enterprise special

road and bridge district, chapter 29-14447; osteen-maytown, oak hill special road and bridge district, chapter 27-13491; port orange-inlet special road and bridge district, chapter 27-13492; port orange-south peninsula special road and bridge district, chapter 49-26288; port orange special road and bridge district, chapter 41-21057; east volusia special road and bridge district, chapter 53-29581; special road and bridge district, chapter 61-2973; turnbull special road and bridge district, chapter 23-9051; east volusia mosquito control district, chapter 37-18963; ponce deleon inlet and port authority, chapter 65-2363; halifax advertising tax district, chapter 49-26294; to authorize the levy of ad valorem and other taxes; to authorize the performance of municipal services by the county; to authorize the pledging of taxes to bond issues; to repeal certain laws; to provide for an administrative code; to provide for referendum and effective date.

Was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Lane—

**SB 943**—A bill to be entitled An act relating to physical therapy practice, amending section 486.021(3), 486.103, 486.104, 486.105, 486.106, and 486.107, by deleting therefrom the word "Licensed", except where, in sections 486.106 and 486.107, it refers to the professional designation of "L.P.T.A." therein; amending section 486.041 to require a fee not to exceed fifty dollars upon filing for registration as a physical therapist; amending section 486.052 to require an annual registration fee not to exceed ten dollars for all registered physical therapists; amending section 486.103 to require a fee not to exceed fifty dollars upon application for registration as a physical therapy assistant; amending section 486.105 to require an annual registration fee not to exceed ten dollars of all physical therapist assistants; amending section 486.107 to require an applicant for registration without examination to pay the board a fee not to exceed fifty dollars; amending section 486.102 by reparagraphing the existing section into five (5) subsections, and adding to subsection (4) as then restructured a provision for equivalency qualification for physical therapy assistants; amending section 486.131 to read "Florida Department of Health and rehabilitative Services" instead of "State Board of Health".

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Ways and Means.

By Senator Ott—

**SB 944**—A bill to be entitled An act relating to liability insurance; amending chapter 627, Florida Statutes, by adding sections 627.0128 and 627.0129; providing for direct action against liability insurance companies by injured persons; providing that insolvency of the insured shall not release insurance company from liability; providing an effective date.

Was read the first time by title and referred to the Committees on Insurance and Judiciary.

By Senator Horne—

**SB 945**—A bill to be entitled An act relating to local sales taxes; amending chapter 212, Florida Statutes, by adding section 212.125, providing for the imposition and levy of a one percent (1%) sales tax in counties or municipalities; providing for collection and administration; providing a dealer's credit; providing this tax shall take effect in a county or municipality only upon the adoption of a resolution or ordinance by the governing body; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Organization and Ways and Means.

By Senators Mathews, Gunter and de la Parte—

**SB 946**—A bill to be entitled An act relating to education; repealing subsection 236.04(10), Florida Statutes, removing the ninety percent (90%) requirement for instructional positions to instruction units; amending subsection 236.07 (5), Florida Statutes, by combining improvement fund, county school sales tax into one allocation; adding an additional amount to other

current expense; repealing subsection 236.07(6), Florida Statutes, repealing education improvement expense procedure; amending subsection 236.07(8), Florida Statutes, providing for a cost of living increase for salaries, other current expense and transportation; amending subsection 236.07(9), Florida Statutes, revising the required local effort; providing an equalization fund; amending subsection 236.251(1), Florida Statutes; providing additional state funding for districts which have a loss in the level of funding; repealing Section 236.075, Florida Statutes; repealing Section 236.08, Florida Statutes; repealing Section 236.09, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators Mathews, de la Parte and Gunter—

**SB 947**—A bill to be entitled An act relating to education; repealing subsection 236.04(10), Florida Statutes, removing the ninety percent (90%) requirement for instructional positions to instruction units; amending subsection 236.07(5), Florida Statutes, by combining improvement fund, county school sales tax into one allocation; adding an additional amount to other current expense; repealing subsection 236.07(6), Florida Statutes, repealing education improvement expense procedure; amending subsection 236.07(8), Florida Statutes, providing for a cost of living increase for salaries, other current expense and transportation; amending subsection 236.07(9), Florida Statutes, revising the required local effort; providing an equalization fund; amending subsection 236.251(1), Florida Statutes; providing additional state funding for districts which have a loss in the level of funding; repealing Section 236.075, Florida Statutes; repealing Section 236.08, Florida Statutes; repealing Section 236.09, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators Mathews, Gunter and de la Parte—

**SB 948**—A bill to be entitled An act relating to education; providing appropriations to each school district based on average daily attendance to make adequate provision for a uniform system of free public schools; requiring a ten mill tax levy; providing for a cost of living adjustment; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators Mathews, de la Parte and Gunter—

**SB 949**—A bill to be entitled An act relating to education; providing appropriations to each school district based on average daily attendance to make adequate provision for a uniform system of free public schools; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators Mathews, Gunter and de la Parte—

**SB 950**—A bill to be entitled An act relating to education; amending Chapter 236, Florida Statutes, by adding Section 236.072 providing for district ad valorem tax equalization allocations; prescribing the procedures for determining eligibility for such allocations; providing an appropriation; providing for the distribution of such funds; authorizing the prorating of funds; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators Mathews and Saunders—

**SB 951**—A bill to be entitled An act relating to educational television; amending subsections (5)(a) of section 229.805, Florida Statutes, to provide that only fair, open and free discussion between political candidates for municipal, county, legislative, congressional or state office shall be permitted; in order to help materially reduce the excessive cost of campaigns, and to insure that the citizens of Florida shall be fully informed about such issues and candidates in such campaigns; provided further that the same provisions shall apply to the advocacy for or opposition to any specific program, existing or proposed, of governmental action which shall include, but shall

not be limited to, constitutional amendments, tax referendums, or bond issues; providing reasonable rules and regulations; providing an effective date.

Was read the first time by title and referred to the Committee on Education.

By Senator Bafalis—

**SB 952**—A bill to be entitled An act relating to game and fresh water fish; repealing section 372.023(1)(b), Florida Statutes, authorizing the game and fresh water fish commission to lease portions of the J. W. Corbett wildlife management area; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John E. Mathews, Jr.,* April 27, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Harris—

**HB 1288**—A bill to be entitled An act relating to public lodging and public food service establishments; amending sections 509.092, 509.141 and subsection (1) and 509.142, Florida Statutes, by prohibiting discrimination based upon race, color or national origin, providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

**HB 1288**, contained in the above message, was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

*The Honorable John E. Mathews, Jr.,* April 27, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Reed—

**HCR 4383**—WHEREAS, the silent majority of our nation, that vast mass of industrious, law-abiding, tax-paying, God-loving respectable, responsible American citizens now have an articulate spokesman to voice their just grievances, and

WHEREAS, through his innate honesty and courage, he has given new stature to his office and inspired Americans to new heights of hope and faith in their government, and

WHEREAS, in his spoken words and decisive actions he has imbued his nation with new vigor and a positive spirit of pride and patriotism, and

WHEREAS, on Tuesday, April 28, 1970, Vice President Spiro T. Agnew will visit Broward County, Florida, where appreciative citizens will pay tribute to his leadership;

NOW, THEREFORE BE IT RESOLVED that the House of Representatives and the Senate concurring designate April 28, 1970, as

VICE PRESIDENT SPIRO T. AGNEW DAY IN FLORIDA and urge every citizen to salute this great American.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

**HCR 4383**, contained in the above message, was read the first time in full and referred to the Committee on Rules and Calendar.

*The Honorable John E. Mathews, Jr.,*  
*President of the Senate*

April 27, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Insurance—

**HB 4100**—A bill to be entitled An act relating to insurance, rates and rating organizations; amending section 627.314, Florida Statutes; adding subsection (6); prohibiting insurers from participating in the deliberation or decisions of rating organizations on private passenger automobile insurance; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

**HB 4100**, contained in the above message, was read the first time by title and referred to the Committee on Insurance.

*The Honorable John E. Mathews, Jr.,*  
*President of the Senate*

April 27, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Mental Health & Retardation—

**HB 1241**—A bill to be entitled An act relating to mental health and mental retardation programs; authorizing county contracts for services and facilities in such programs; amending section 965.071, Florida Statutes; providing an effective date.

By the Committee on Insurance—

**HB 4107**—A bill to be entitled An act relating to the insurance code; amending section 627.0852(2), Florida Statutes; providing grounds for the cancellation of insurance policies; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

**HB 1241**, contained in the above message, was read the first time by title and referred to the Committee on Health, Welfare, and Institutions.

**HB 4107**, contained in the above message, was read the first time by title and referred to the Committee on Insurance.

The Senate recessed at 8:42 a. m.

The Senate was called to order by the President at 9:00 a. m. A quorum present—46:

Mr. President	Deeb	Karl	Shevin
Askew	de la Parte	Knopke	Slade
Bafalis	Ducker	Lane	Stolzenburg
Barron	Fincher	Myers	Stone
Barrow	Friday	Ott	Thomas
Beaufort	Gong	Plante	Trask
Bell	Gunter	Pope	Weber
Bishop	Haverfield	Poston	Weissenborn
Boyd	Henderson	Reuter	Williams
Broxson	Hollahan	Saunders	Wilson
Chiles	Horne	Sayler	
Daniel	Johnson	Scarborough	

Excused: Senator Young.

Prayer by Senator Friday:

Father, grant us, we pray, the light of Thy countenance. Let the shadows of our hearts and our minds be brighter through Thee and visit Thy grace not only on the members of this body, but on its staff, on those who come before us, and on those citizens in whose behalf we labor. Amen.

The Senate pledged allegiance to the flag of the United States of America pursuant to Senate Rule 4.3.

The Journal of April 27 was corrected and approved.

The Journal of April 24 was corrected and approved as follows:

Page 205, counting from the bottom of column 2, line 10, strike "663" and insert 633

Page 207, counting from the bottom of column 1, line 34, before "warrants" insert the following: trust accounts, state campaign advertising

Page 220, column 1, between lines 21 and 22 insert the following: Unanimous consent was granted Senator Barrow to change his vote from yea to nay.

Page 220, counting from the bottom of column 1, line 25, strike "10" and insert 19

Page 223, counting from the bottom of column 2, strike lines 5 through 14 and insert the following:

**HB 1562**—A bill to be entitled An act relating to married women's property; amending sections 694.04, 708.08 and 708.09, Florida Statutes; repealing sections 693.01, 693.02, 693.03, 693.04, 693.05, 693.13, 693.14, 708.01, 708.02, 708.03, 708.04, 708.06, and 708.07, Florida Statutes; conforming the general law of the state to Section 5 of Article X of the State Constitution, which abolishes the distinction between the property rights of married men and women; eliminating provisions requiring a husband to join in the conveyance of his wife's property; repealing section 62.021, Florida Statutes, relating to the free dealer law; providing an effective date.

Page 224, column 1, between lines 18 and 19 insert the following:

providing that a married man may convey his separate property free and clear of claim or right of dower without the relinquishment thereof or joinder by his spouse;

## REPORTS OF COMMITTEES

The Committee on Insurance recommends the following pass: Senate Bills 554, 553, HB 388

The Committee on Natural Resources and Conservation recommends the following pass: SB 373 with 1 amendment, SB 498, SCR 774

The Committee on Transportation recommends the following pass: Senate Bills 493, 686, 795, 796; SB 711 with 1 amendment, SM 750, HB 3995

The Committee on Commerce and Licensed Businesses recommends the following pass: Senate Bills 91, 408; SB 428 with 2 amendments, SB 612 with 7 amendments

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Commerce and Licensed Businesses recommends the following pass: SB 491 with 3 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 755 with 3 amendments

The Committee on Rules and Calendar referred the following local bill to the Local Calendar pending favorable report from the committee of further reference: SB 819

The Committee on Transportation recommends the following pass: SB 751

The Committee on Insurance recommends the following pass: SB 723

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SR 443

The resolution was referred to the Committee on Agriculture under the original reference.

The Committee on Transportation recommends the following pass: SB 629 with 3 amendments

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Transportation recommends a Committee Substitute for the following: SB 733

The bill with Committee Substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends a Committee Substitute for the following: SB 349 and SB 634

The bills with Committee Substitute attached were referred to the Committee on Ways and Means under the original reference for Senate Bill 634.

The Committee on Health, Welfare, and Institutions recommends a Committee Substitute for the following: SB 172 and 426

The bills with Committee Substitute attached were referred to the Committee on Education under the original reference for Senate Bill 172.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 407 with 4 amendments

The bill with Committee Substitute attached was placed on the Calendar.

The Committee on Insurance recommends the following not pass: SB 332

The Committee on Commerce and Licensed Businesses recommends the following not pass: SB 364

The bills contained in the foregoing reports were laid on the table.

## REPORT OF THE COMMITTEE ON RULES AND CALENDAR

The Rules and Calendar Committee referred the following local bills to the Local Calendar: House Bills 3997, 3846, 3845, 3843, 3841, 3836, 3835, 3831, 3830, 3829, 3828, 3827, 3826, 3825, 3840, 3839; and Senate Bills 829 and 830.

## BILLS REFERRED TO SUBCOMMITTEES

**State Government:** Senate Bills 787, 890, 891, 906, 907 and 917 (10 days to report to the Committee on Governmental Organization)

**Financial Institutions and Consumer Protection:** Senate Bills 839, 840, 841, 842, 843, 848, 849, 851, 852, 857, 858, 861, 876, 877 and 896 (10 days to report to the Committee on Commerce and Licensed Businesses)

**Licensed Businesses:** Senate Bills 862, 873, 874, 893, 894, 898, 902 and 913 (10 days to report to the Committee on Commerce and Licensed Businesses)

SB 928 referred to the Select Committee on Claims (15 days to report to the Committee on Ways and Means)

**Appropriations:** Senate Bills 156, 215, 471, 513, 740, 853, 870, 871 and 878 (11 days to report to the Committee on Ways and Means) Senate Bills 901, 904 and 930 (14 days to report to the Committee on Ways and Means)

**Personnel and Retirement:** Senate Bills 905, 910 and 914 (14 days to report to the Committee on Ways and Means)

**Taxation:** Senate Bills 912, 924, 927, 929 and 934 (14 days to report to the Committee on Ways and Means)

### ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 63 with 1 amendment	SB 327 with 1 amendment
SB 111 with 2 amendments	SB 355 with 2 amendments
SB 312 with 3 amendments	SB 414 with 1 amendment
SB 314 with 2 amendments	SB 564 with 1 amendment
SB 326 with 5 amendments	SM 230 with 2 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

*EDWIN G. FRASER*  
Secretary of the Senate

The bills were certified to the House.

### ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SB 166 SB 266

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on April 28, 1970.

*EDWIN G. FRASER*  
Secretary of the Senate

On motion by Senator Friday, the Senate proceeded to the consideration of—

### EXECUTIVE BUSINESS

By direction of the President, the Secretary read the following—

### ORDER OF SUSPENSION

WHEREAS, Lawrence O. Davis, a/k/a L. O. Davis, is presently serving as Sheriff of Saint Johns County, Florida, and

WHEREAS, I have been officially advised that the Grand Jury of the Seventh Judicial Circuit in and for Saint Johns County, Florida, on April 24, 1970, returned an Indictment against the said Lawrence O. Davis, a/k/a L. O. Davis, charging him with the acceptance of a bribe in violation of Section 838.012, Florida Statutes, and

WHEREAS, the above Indictment, if true, reflects misfeasance, malfeasance and incompetency in office, and

WHEREAS, Lawrence O. Davis, a/k/a L. O. Davis, acting in his official capacity as Sheriff of Saint Johns County, Florida, is held to a high standard of moral and legal conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the Indictment of the Grand Jury, doubt has been raised as to the integrity and ability of Lawrence O. Davis, a/k/a L. O. Davis to continue to perform his duties as Sheriff of Saint Johns County, Florida, and

WHEREAS, I find that the interests of the citizens of Saint Johns County, would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., Governor of the State of Florida, by virtue of the power and authority vested in

me by Section 7, Article IV, of the Constitution of Florida, do hereby suspend the said Lawrence O. Davis, a/k/a L. O. Davis on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the Indictment returned against him, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said Lawrence O. Davis, a/k/a L. O. Davis is hereby prohibited from performing the duties or exercising the authorities of the Office of Sheriff of Saint Johns County, Florida, during the period of suspension.



ATTEST:  
TOM ADAMS  
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 27 day of April, 1970.

CLAUDE R. KIRK, JR.  
Governor

### ORDER OF SUSPENSION

WHEREAS, Noah J. Carter is presently serving as Constable, District 9, Saint Johns County, Florida, and

WHEREAS, I have been officially advised that the Grand Jury of the Seventh Judicial Circuit in and for Saint Johns County, Florida, on April 24, 1970, returned an Indictment against the said Noah J. Carter, charging him with the acceptance of a bribe in violation of Section 838.012, Florida Statutes, and

WHEREAS, the above Indictment, if true, reflects misfeasance, malfeasance and incompetency in office, and

WHEREAS, Noah J. Carter, acting in his official capacity as Constable District 9, Saint Johns County, Florida, is held to a high standard of moral and legal conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the Indictment of the Grand Jury, doubt has been raised as to the integrity and ability of Noah J. Carter to continue to perform his duties as Constable, District 9, Saint Johns County, Florida, and

WHEREAS, I find that the interests of the citizens of Saint Johns County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., Governor of the State of Florida, by virtue of the power and authority vested in me by Section 7, Article IV, of the Constitution of Florida, do hereby suspend the said Noah J. Carter on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the Indictment returned against him, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said Noah J. Carter is hereby prohibited from performing the duties or exercising the authorities of the Office of Constable, District 9, Saint Johns County, Florida, during the period of suspension.



ATTEST:  
TOM ADAMS  
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 27 day of April, 1970.

CLAUDE R. KIRK, JR.  
Governor

### ORDER OF SUSPENSION

WHEREAS, Arliss R. Greene, Sr. is presently serving as Constable, District 11, Saint Johns County, Florida, and

WHEREAS, I have been officially advised that the Grand Jury of the Seventh Judicial Circuit in and for Saint Johns

County, Florida, on April 24, 1970, returned an Indictment against the said Arliss R. Greene, Sr. charging him with the acceptance of a bribe in violation of Section 838.012, Florida Statutes, and

WHEREAS, the above Indictment, if true, reflects misfeasance, malfeasance and incompetency in office, and

WHEREAS, Arliss R. Greene, Sr., acting in his official capacity as Constable, District 11, Saint Johns County, Florida, is held to a high standard of moral and legal conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the Indictment of the Grand Jury, doubt has been raised as to the integrity and ability of Arliss R. Greene, Sr. to continue to perform his duties as Constable, District 11, Saint Johns County, Florida, and

WHEREAS, I find that the interests of the citizens of Saint Johns County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., Governor of the State of Florida, by virtue of the power and authority vested in me by Section 7, Article IV, of the Constitution of Florida, do hereby suspend the said Arliss R. Greene, Sr. on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the Indictment returned against him, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said Arliss R. Greene, Sr. is hereby prohibited from performing the duties or exercising the authorities of the Office of Constable, District 11, Saint Johns County, Florida, during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 27 day of April, 1970.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

Which were referred to the Select Committee on Executive Suspensions.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Karl, by two-thirds vote, SB 415 was withdrawn from the Committee on Insurance and from the Senate.

On motion by Senator Barrow, by two-thirds vote, SB 640 was withdrawn from the Committee on Rules and Calendar and from the Senate.

On motion by Senator Friday, the rules were waived and the Committee on Rules and Calendar was granted an additional 10 legislative days for the consideration of all bills now in the Committee.

On motion by Senator Barrow, the rules were waived and the Committee on Commerce and Licensed Businesses was granted an additional 10 days for the consideration of Senate Bills 22, 42, 72, 83, 207, 240, 283, 307, 308, 309, 351, 354, 370, 376, 387, 388, 454, 514, 524, 637, 653, 705, 710, 727, 729, 730, 731, 738, 743 and HB 2178.

On motion by Senator Horne, the rules were waived and the Committee on Judiciary was granted an additional 10 days for the consideration of Senate Bills 8, 18, 20, 39, 82, 122, 152, 157, 158, 160, 170, 176, 177, 185, 198, 212, 211, 228, 231, 278, 280, 282, 300, 302, 322, 328, 333, 335, 359, 360, 362, 365, 367, 374, 378, 411, 412, 416, 417, 419, 424, 429, 438, 446, 447, 455, 457, 466, 467, 472, 473, 474, 478, 482, 483, 504, 505, 518, 532, 538, 547, 551, 560, 575, 588, 590, 596, 597, 598, 599, 600, 601, 605, 611, 618, 619, 620, 621, 625, 646, 647, 648, 649, 654, 655, 660, 671, 672, 676, 690, 692, 694, 700, 713, 720, 721, 722, 724, 728, 752, 769, 789, 790, 21, CS for SB 132, 792, HCR 3715; House Bills 230, 10, 3395, 154, 232, 257, 366, 377, 3753 and 3487.

On motion by Senator Friday, by two-thirds vote, HCR 3966 was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

On motion by Senator Plante, by two-thirds vote, SJR 798 was removed from the table, the unfavorable report of the subcommittee to the contrary notwithstanding, and re-referred to the Committee on Education.

On motion by Senator Horne, by two-thirds vote, CS for SB 132 was withdrawn from the Committee on Judiciary.

On motions by Senator Thomas, by two-thirds vote, Senate Bills 484 and 623 were withdrawn from the Committee on Natural Resources and Conservation and from the Senate.

On motion by Senator Friday, by two-thirds vote, HB 844 was withdrawn from the Committee on Rules and Calendar.

The President announced the appointment of Senator Pope as a member of the subcommittee on Retirement and Personnel.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

April 27, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendment to—

By Senator Mathews and Others—

**SJR 171**—A joint resolution proposing an amendment to section 2, article VI, of the Constitution of the state of Florida, relating to electors.

—and requests the President of the Senate to appoint a Conference Committee to confer with a like Committee to be appointed by the Speaker of the House to adjust the differences on House amendment to SJR 171.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

The President announced the appointment of Senators Thomas, Chiles, Askew, Wilson and Saunders as the Conference Committee on the part of the Senate to adjust the differences on the House amendment to SJR 171.

The action of the Senate was certified to the House.

#### SECOND READING

**SCR 774**—A concurrent resolution commending the city officials and citizens of St. Petersburg for their actions during the Tampa Bay oil spillage on February 13, 1970.

WHEREAS, the pollution of our air, water, and land is an enormous problem which faces all of the United States, and especially Florida, because of its geographic location, extensive coastline, many commercial ports and beautiful beaches, extraordinary climate and abundant natural wildlife, and

WHEREAS, on Friday the thirteenth of February 1970, an oil tanker ran aground in Tampa Bay and began exuding black death and destruction in the form of thick crude oil, which threatened to cause the tragic end of many forms of wildlife and countless miles of extensive white beach throughout the Tampa Bay-St. Petersburg area, and

WHEREAS, the citizens and city officials of St. Petersburg, undeterred by the Herculean task which faced them, voluntarily joined together in the face of this common crisis, and the entire community with its diverse and divergent beliefs, septuagenarian to schoolboy, university student to storeowner, labored to minimize the oil's destruction, and

WHEREAS, after the citizens of St. Petersburg had expended countless hours of their time and effort in the rescuing, cleaning and caring for numerous varieties of birds, they were



once again summoned to the beaches where the oil from the original accident area had passed through the styrofoam booms strung out to contain the spillage and was threatening the shoreline, and

WHEREAS, the people of St. Petersburg once again, together, worked swiftly, using their hands and available heavy equipment to distribute straw and other absorbent materials into the path of the threatening oil slick, and

WHEREAS, numerous types of birds and wildlife were saved by these actions, and an inestimable amount of damage to St. Petersburg beaches was averted by the community action of the city officials and citizens of St. Petersburg, who now have the honor of setting the national standard for communities subsequently faced with crucial problems of pollution, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:*

That the Legislature of the State of Florida, in session assembled, most proudly commends and honors the city officials and citizens of the City of St. Petersburg for their actions in combating the oil spillage in Tampa Bay on February 13, 1970.

BE IT FURTHER RESOLVED that a copy of this resolution be dispatched to the mayor of the City of St. Petersburg as a lasting token of this legislature's appreciation.

Was taken up and read the second time in full. On motion by Senator Thomas, SCR 774 was adopted and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Daniel	Johnson	Shevin
Askew	Deeb	Karl	Slade
Bafalis	de la Parte	Lane	Stone
Barron	Ducker	Myers	Thomas
Barrow	Friday	Ott	Trask
Beaufort	Gong	Plante	Williams
Bell	Gunter	Poston	Wilson
Bishop	Haverfield	Reuter	
Broxson	Henderson	Saunders	
Chiles	Horne	Scarborough	

**HCR 3758**—A concurrent resolution urging the President of the United States, the Secretary of Defense, and the Congress of the United States to make every possible effort to obtain the release and repatriation of the American prisoners of war held captive by North Viet Nam.

WHEREAS, there is an important military and psychological struggle occurring today in Southeast Asia, and

WHEREAS, many fine and brave men have given up their lives and their freedom on behalf of their country, and

WHEREAS, thirteen thousand of these brave Americans have been captured by the North Vietnamese and imprisoned, and

WHEREAS, the State of Florida feels a deep concern for the health and physical well-being of these men, and

WHEREAS, in recent weeks the North Vietnamese have taken only slight notice of the entreaties of the concerned wives and mothers of these servicemen for information about the welfare of their husbands and sons, and

WHEREAS, the State of Florida feels that if the President and Congress of the United States indicate to the North Vietnamese their intense concern and interest in these men it will expedite the early release of these prisoners, NOW, THEREFORE,

*Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:*

That Richard M. Nixon, President, United States of America, Melvin Laird, Secretary of Defense, and the Congress of the United States of America, are respectfully requested to demonstrate to the Communist leaders of the Republic of North Viet Nam the feeling of the American people, all of whom strongly desire the immediate release and repatriation of all American prisoners now held by North Vietnamese forces in Southeast Asia.

BE IT FURTHER RESOLVED that copies of this resolution

signed by the officers of the House of Representatives and of the Senate of the State of Florida be dispatched to the President of the United States, the Secretary of Defense, the Speaker of the United States House of Representatives, and the Vice-President of the United States as Presiding Officer of the Senate.

Was taken up and read the second time in full. On motion by Senator Askew, HCR 3758 was adopted and certified to the House. The vote was: Yeas—38 Nays—None

Mr. President	Daniel	Johnson	Shevin
Askew	Deeb	Karl	Slade
Bafalis	de la Parte	Lane	Stolzenburg
Barron	Ducker	Myers	Stone
Barrow	Friday	Ott	Thomas
Beaufort	Gong	Plante	Trask
Bell	Gunter	Poston	Williams
Bishop	Haverfield	Reuter	Wilson
Broxson	Henderson	Saunders	
Chiles	Horne	Scarborough	

Consideration of SB 60 was deferred, the bill retaining its place on the Calendar.

**SB 431**—A bill to be entitled An act relating to electric cooperative corporations, amending 425.22, Florida Statutes, providing for disposition of property of electric cooperative corporations, and providing for the pledge or mortgage of property of electric cooperative corporations to secure debts or obligations to the United States of America or to certain other financial institutions; providing an effective date.

Was taken up and read the second time by title.

Senator Williams offered the following amendment which was adopted:

In Section 3, lines 23-24, page 2, strike Section 3 and insert the following:

Section 3. This act shall take effect October 1, 1970.

On motion by Senator Williams, the rules were waived and SB 431 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Mr. President	Chiles	Horne	Shevin
Askew	Daniel	Johnson	Stone
Bafalis	de la Parte	Karl	Thomas
Barron	Friday	Ott	Trask
Beaufort	Gunter	Poston	Weber
Bell	Haverfield	Reuter	Weissenborn
Bishop	Henderson	Saunders	Williams
Broxson	Hollahan	Scarborough	Wilson

Nays—3

Deeb	Ducker	Plante
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**SB 441**—A bill to be entitled An act relating to junk dealers; amending section 205.371(1)(g), (4)(b), and (5), Florida Statutes, relating to the licensing and records thereof, to include the keeping of records as to purchases of copper, brass, and bronze pipe, piping, and tubing; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Poston, the rules were waived and SB 441 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	de la Parte	Karl	Slade
Askew	Ducker	Ott	Stone
Bafalis	Friday	Plante	Thomas
Beaufort	Gunter	Poston	Trask
Bell	Haverfield	Reuter	Weber
Bishop	Henderson	Saunders	Weissenborn
Daniel	Horne	Scarborough	Wilson
Deeb	Johnson	Shevin	

Nays—3

Barron	Broxson	Williams
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**SB 11**—A bill to be entitled An act relating to public accountants; amending section 473.11, Florida Statutes, as renumbered and amended by section 11 of chapter 69-36, Laws of Florida, (Committee Substitute for Senate Bill No. 1129) to restore lines 1 and 2 of page 15 of original Senate Bill No. 1129 which were inadvertently omitted from the committee substitute therefor; providing an effective date.

Was taken up and read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was adopted on motion by Senator Friday:

In Section 2, line 3, page 2, strike "1969." and insert 1970.

On motion by Senator Friday, the rules were waived and SB 11 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—38 Nays—None

Mr. President	Daniel	Johnson	Slade
Askew	Deeb	Karl	Stone
Bafalis	de la Parte	Lane	Thomas
Barron	Ducker	Ott	Trask
Barrow	Friday	Plante	Weber
Beaufort	Gunter	Poston	Weissenborn
Bell	Haverfield	Reuter	Williams
Bishop	Henderson	Saunders	Wilson
Broxson	Hollahan	Scarborough	
Chiles	Horne	Shevin	

**SB 321**—A bill to be entitled An act relating to elections; amending sections 100.061 and 100.091(1), Florida Statutes, as amended by chapter 69-1745, Laws of Florida, changing the dates for primary election; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was moved by Senator Horne and failed:

In Section 3, line 9, page 2, strike "becoming a law." and insert the following: January 1, 1971.

The vote was:

Yeas—18

Askew	Deeb	Knopke	Weber
Bafalis	de la Parte	Ott	Williams
Bishop	Friday	Plante	Wilson
Broxson	Henderson	Pope	
Chiles	Karl	Saunders	

Nays—21

Barron	Haverfield	Poston	Thomas
Barrow	Hollahan	Scarborough	Trask
Beaufort	Horne	Shevin	Weissenborn
Bell	Johnson	Slade	
Ducker	Lane	Stolzenburg	
Gunter	Myers	Stone	

On motion by Senator Horne, the rules were waived and SB 321 was read the third time by title and failed to pass. The vote was:

Yeas—16

Barrow	Haverfield	Karl	Slade
Beaufort	Henderson	Pope	Stone
Bell	Horne	Scarborough	Thomas
Daniel	Johnson	Shevin	Weissenborn

Nays—26

Mr. President	Chiles	Lane	Stolzenburg
Askew	Deeb	Myers	Trask
Bafalis	de la Parte	Ott	Weber
Barron	Ducker	Plante	Williams
Bishop	Friday	Poston	Wilson
Boyd	Gunter	Reuter	
Broxson	Knopke	Saunders	

**SB 432**—A bill to be entitled An act relating to the trustees of the internal improvement trust fund; amending subsection 253.122(4), F. S., by increasing to 120 days the period after

filing with local authority to fix a bulkhead line or lines before filing is permitted with the trustees; providing an effective date.

Was taken up and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Henderson and failed:

In Section 2, line 13, page 2, strike "upon becoming a law." and insert the following: July 1, 1970.

Senator Henderson offered the following amendment which was adopted:

In Section 1, on page 1, line 19, strike "one hundred twenty (120)" and insert ninety (90)

Senator Henderson also offered the following amendment which was adopted:

In title on page 1, line 7, strike "120" and insert 90

Senator Henderson also offered the following amendment which was adopted:

On page 2, line 13, strike "upon becoming a law" and insert the following: October 1, 1970

Pending further consideration of SB 432 as amended, on motion by Senator Henderson, by two-thirds vote, HB 1140 was withdrawn from the Committee on Natural Resources and Conservation and placed on the Calendar.

On motion by Senator Henderson—

**HB 1140**—A bill to be entitled An act relating to the trustees of the internal improvement trust fund; amending subsection 253.122(4), F. S., by increasing to 90 days the period after filing with local authority to fix a bulkhead line or lines before filing is permitted with the trustees; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Henderson, the rules were waived and HB 1140 was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

Mr. President	Daniel	Knopke	Slade
Askew	de la Parte	Lane	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barron	Friday	Ott	Thomas
Barrow	Gunter	Plante	Trask
Beaufort	Haverfield	Pope	Weissenborn
Bell	Henderson	Poston	Williams
Bishop	Hollahan	Reuter	Wilson
Boyd	Johnson	Saunders	
Chiles	Karl	Shevin	

**SB 371**—A bill to be entitled An act relating to state-owned submerged lands; amending subsections 253.12(4), 253.122(3) and 253.122(4), F.S.; providing that required reports of ecological and biological studies and surveys made pursuant to the sale, bulkheading or filling of state-owned submerged land be read into the record and duly considered at public hearings held to consider applications for the sale, bulkheading or filling of such lands; providing an effective date.

Was taken up and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Henderson:

In Section 4, line 16, page 5, strike "upon becoming a law." and insert the following: October 1, 1970.

On motion by Senator Henderson, the rules were waived and SB 371 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President	Daniel	Karl	Stolzenburg
Askew	de la Parte	Lane	Stone
Bafalis	Ducker	Myers	Thomas
Barron	Fincher	Ott	Trask
Barrow	Friday	Plante	Weber
Beaufort	Gunter	Pope	Weissenborn
Bell	Haverfield	Poston	Williams
Bishop	Henderson	Reuter	Wilson
Boyd	Hollahan	Saunders	
Broxson	Horne	Shevin	
Chiles	Johnson	Slade	

**SJR 292**—A joint resolution proposing an amendment to Article III and to Sections 1, 2, and 5 of Article XI of the State Constitution providing for a unicameral legislature and altering the composition of the Constitution Revision Commission; adding a new section to the schedule, Article XII, to provide an effective date.

Was taken up and read the second time by title.

The Committee on Constitutional Amendments and Revision offered the following amendment which was adopted on motion by Senator Weissenborn:

In Section 1, line 29, page 1, after "senators." insert the following: The members of the senate shall be elected from single-member districts which shall be as nearly equal in population as shall be practicable.

On motion by Senator Gunter, the rules were waived and SJR 292 as amended was read the third time in full as follows:

**SJR 292**—A joint resolution proposing an amendment to Article III and to Sections 1, 2, and 5 of Article XI of the State Constitution providing for a unicameral legislature and altering the composition of the Constitution Revision Commission; adding a new section to the schedule, Article XII, to provide an effective date.

*Be It Resolved by the Legislature of the State of Florida:*

That the following proposed revision of Article III and of Sections 1, 2, and 5 of Article XI of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at the general election to be held in November, 1970:

#### ARTICLE III LEGISLATURE

**SECTION 1. Composition.**—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of [one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.] *not more than one hundred (100) senators. The members of the senate shall be elected from single-member districts which shall be as nearly equal in population as shall be practicable.*

**SECTION 2. Members; officers.**—[Each house] *The senate* shall be the sole judge of the qualifications, elections, and returns of its members, and shall [biennially] choose its officers, including a permanent presiding officer selected from its membership[, ] who shall be designated [in the senate] as President of the Senate [and in the house as Speaker of the House of Representatives.], *and set its rules of procedure.* The senate shall designate a Secretary to serve at its pleasure. [and the house of representatives shall designate a Clerk to serve at its pleasure.] The [legislature] *senate* shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or [concurrent] resolution.

#### SECTION 3. Sessions of the legislature.—

(a) **ORGANIZATION SESSIONS.** On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) **REGULAR SESSIONS.** A regular session of the legislature shall convene on the first Tuesday after the first Monday in April of each odd-numbered year, and on the first Tuesday after the first Monday in April, or such other date as may be fixed by law, of each even-numbered year.

#### (c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of [each house.] *the senate.*

(2) A special session of the legislature may be convened as provided by law.

(d) **LENGTH OF SESSIONS.** A regular session of the legislature shall not exceed sixty consecutive days, and a special

session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of [each house] *the senate.* During such an extension no new business may be taken up [in either house] without the consent of two-thirds of [its] *the members* [membership].

[(e) **ADJOURNMENT.** Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.]

[(f) **ADJOURNMENT BY GOVERNOR.** If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, he shall, while neither house is in recess, give each house formal written notice of his intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.]

#### SECTION 4. Quorum.—[AND PROCEDURE.]—

(a) A majority of the [membership of each house] *members* shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as [it] *they* may prescribe. [Each house shall determine its rules of procedure.]

(b) *All* sessions [of each house] shall be public; except sessions [of the senate] when considering appointment to or removal from public office may be closed.

(c) [Each house] *The senate* shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal.

(d) [Each house] *The senate* may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

**SECTION 5. Investigations; witnesses.**—[Each house] *The senate* when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon committees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

**SECTION 6. Laws.**—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: "Be It Enacted by the Legislature of the State of Florida:—"

**SECTION 7. Passage of bills.**—[Any bill may originate in either house and after passage in one may be amended in the other. It] *No bill may pass the senate earlier than six days after its introduction unless such passage is by unanimous vote. Every bill* shall be read [in each house] on three separate days, unless this rule is waived by two-thirds vote. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote of each member voting shall be entered on the journal. Passage of a bill shall require a majority vote [in each house.] Each bill and [joint] resolution passed [in both houses] shall be signed by the [presiding officers of the respective houses and by the] *President and Secretary of the Senate* [and the clerk of the house of representatives] during the session or as soon as practicable after its adjournment sine die.

#### SECTION 8. Executive approval and veto.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a

recess of more than thirty days, he shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed by the governor, he shall transmit his signed objections thereto to the [house in which the bill originated] *senate* if in session. If [that house] *the senate* is not in session, he shall file them with the secretary of state, who shall lay them before [that house] *the senate* at its next regular or special session, and they shall be entered on its journal.

(c) If [each house] *the senate* shall, by a two-thirds vote, re-enact the bill or reinstate the vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the [respective journals] *journal*, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.

**SECTION 9. Effective date of laws.**—Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein. If the law is passed over the veto of the governor it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution [passed by both houses of the legislature].

**SECTION 10. Special laws.**—No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

#### **SECTION 11. Prohibited special laws.**—

(a) There shall be no special law or general law of local application pertaining to:

(1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;

(2) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;

(3) rules of evidence in any court;

(4) punishment for crime;

(5) petit juries, including compensation of jurors, except establishment of jury commissions;

(6) change of civil or criminal venue;

(7) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;

(8) refund of money legally paid or remission of fines, penalties or forfeitures;

(9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;

(10) disposal of public property, including any interest therein, for private purposes;

(11) vacation of roads;

(12) private incorporation or grant of privilege to a private corporation;

(13) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;

(14) change of name of any person;

(15) divorce;

(16) legitimation or adoption of persons;

(17) relief of minors from legal disabilities;

(18) transfer of any property interest of persons under legal disabilities or of estates of decedents;

(19) hunting or fresh water fishing;

(20) regulation of occupations which are regulated by a state agency; or

(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of [each house.] *the senate*. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

**SECTION 12. Appropriation bills.**—Laws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.

**SECTION 13. Term of office.**—No office shall be created the term of which shall exceed four years except as provided herein.

**SECTION 14. Civil service system.**—By law there shall be created a civil service system for state employees, except those expressly exempted, and there may be created civil service systems and boards for county, district or municipal employees and for such offices thereof as are not elected or appointed by the governor, and there may be authorized such boards as are necessary to prescribe the qualifications, method of selection and tenure of such employees and officers.

#### **SECTION 15. Terms and qualifications of legislators.**—

(a) **SENATORS.** Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four, and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

[(b) **REPRESENTATIVES.** Members of the house of representatives shall be elected for terms of two years in each even numbered year.]

(c) **QUALIFICATIONS.** Each [legislator] *senator* shall be at least twenty-one years of age, an elector and resident of the district from which elected, and shall have resided in the state for a period of two years prior to election.

(d) **ASSUMING OFFICE; VACANCIES.** Members of the [legislature] *senate* shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

#### **SECTION 16. Legislative apportionment.**—

(a) **SENATORIAL [AND REPRESENTATIVE] DISTRICTS.** The legislature at its regular session in the second year following each decennial census, by [joint] resolution, shall apportion the state in accordance with the [constitution] *constitutions* of the state and of the United States into not [less than thirty nor] more than [forty] *one hundred* consecutively numbered senatorial districts of either contiguous, overlapping or identical territory[, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory]. Should that session adjourn without adopting such [joint] resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a [joint] resolution of apportionment.

(b) **FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL REAPPORTIONMENT.** In the event a special apportionment session of the legislature finally adjourns without adopting a [joint] resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state

to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

(c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen days after the passage of the [joint] resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT SESSION. A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a [joint] resolution of apportionment conforming to the judgment of the supreme court.

(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT. Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a [joint] resolution of apportionment shall be had as provided for in cases of such [joint] resolution adopted at a regular or special apportionment session.

(f) JUDICIAL REAPPORTIONMENT. Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment.

#### SECTION 17. Impeachment.—

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal and judges of circuit courts shall be liable to impeachment for misdemeanor in office. The [house of representatives] *senate* by two-thirds vote shall have the power to impeach an officer. The [speaker of the house of representatives] *President of the Senate* shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the [house of representatives] *senate* shall be disqualified from performing any official duties until acquitted by the [senate] *supreme court*, and unless the governor is impeached he may by appointment fill the office until completion of the trial.

(c) All impeachments by the [house of representatives] *senate* shall be tried by the [senate.] *supreme court*. The chief justice of the supreme court, or another justice designated by him, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. [The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not.] The time fixed for trial shall not be more than six months after the impeachment. [During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present.] *The recommendation of the court shall be certified to the senate with the transcript of the trial. The senate may accept or reject the recommendation of the court, but no officer shall be removed without a two-thirds vote of the members.* Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

SECTION 18. Conflict of interest.—A code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

SECTION 19. Reestablishment of second chamber.—In the event that it should become possible under the Constitution of the United States, by judicial interpretation or amendment, to apportion one or both houses of a bicameral state legislature according to a basis other than that of population, the Legislature of the State of Florida shall have the power by three-fifths vote to establish a second chamber on such constitutional basis.

#### ARTICLE XI

##### AMENDMENTS

SECTION 1. Proposal by legislature.—Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by [joint] resolution agreed to by three-fifths of the membership [of each house] of the [legislature.] *senate*. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of [each house.] *the senate*.

##### SECTION 2. Revision commission.—

(a) Within thirty days after the adjournment of the regular session of the legislature convened in the tenth year following that in which this constitution is adopted, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) the attorney general of the state;
- (2) [fifteen] *twenty* members selected by the governor;
- (3) [nine] *twelve* members selected by the [speaker of the house of representatives and nine members selected by the] president of the senate; and
- (4) [three] *four* members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

##### SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the [joint] resolution, initiative petition or report of revision commission or constitutional convention proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership [of each house] of the [legislature] *senate* and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

#### ARTICLE XII

##### SCHEDULE

SECTION 18. Effective date of specified amendments.—The amendments to Article III and to sections 1, 2, and 5 of Article XI, approved by the electors at the general election held in November, 1970, shall take effect on November 1, 1972.

—and failed to receive the required Constitutional three-fifths affirmative vote of all members elected to the Senate.

The vote was:

Yeas—9

Askew	Gunter	Reuter	Weissenborn
de la Parte	Hollahan	Shevin	
Gong	Myers		

Nays—35

Mr. President	Chiles	Karl	Slade
Bafalis	Daniel	Lane	Stolzenburg
Barron	Ducker	Ott	Stone
Barrow	Fincher	Plante	Thomas
Beaufort	Friday	Pope	Trask
Bell	Haverfield	Poston	Weber
Bishop	Henderson	Saunders	Williams
Boyd	Horne	Sayler	Wilson
Broxson	Johnson	Scarborough	

**SB 541**—A bill to be entitled An act relating to the plant industry division of the department of agriculture and consumer services, amending subsections (1), (6), (7), (9), (15), (16), (17), (19), (20) of section 581.031, section 581.083, section 581.101, and subsection (1) of section 581.181, Florida Statutes, to strike the words "insect pests and disease" and in lieu thereof add the words "plant pests"; providing effective date.

Was taken up and read the second time by title. On motion by Senator Saunders, the rules were waived and SB 541 was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Mr. President	de la Parte	Lane	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barron	Friday	Ott	Thomas
Barrow	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Hollahan	Reuter	Weissenborn
Broxson	Horne	Saunders	Williams
Chiles	Johnson	Sayler	Wilson
Daniel	Karl	Scarborough	

**SB 544**—A bill to be entitled An act relating to the plant industry division of the department of agriculture and consumer services; amending section 581.141, Florida Statutes, providing for revocation and suspension of certificate of inspection; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Saunders, the rules were waived and SB 544 was read the third time by title, passed and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Deeb	Karl	Stone
Bafalis	de la Parte	Lane	Thomas
Barron	Ducker	Myers	Trask
Barrow	Friday	Plante	Weber
Beaufort	Gunter	Reuter	Weissenborn
Bishop	Haverfield	Saunders	Williams
Boyd	Henderson	Sayler	Wilson
Broxson	Hollahan	Scarborough	
Chiles	Horne	Slade	
Daniel	Johnson	Stolzenburg	

Consideration of SB 29 was deferred, the bill retaining its place on the Calendar.

On motion by Senator Williams, by two-thirds vote, HB 3612 was withdrawn from the Committee on Commerce and Licensed Businesses and placed on the Calendar.

Unanimous consent was granted Senator Williams to take up out of order—

**HB 3612**—A bill to be entitled An act relating to electric cooperative corporations, amending 425.22, Florida Statutes, providing for disposition of property of electric cooperative corporations, and providing for the pledge or mortgage of property of electric cooperative corporations to secure debts or obligations to the United States of America or to certain other financial institutions; providing an effective date.

—which was read the second time by title. On motion by Senator Williams, the rules were waived and HB 3612 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Chiles	Horne	Shevin
Askew	Daniel	Johnson	Stone
Bafalis	de la Parte	Karl	Thomas
Barron	Friday	Ott	Trask
Beaufort	Gunter	Poston	Weber
Bell	Haverfield	Reuter	Weissenborn
Bishop	Henderson	Saunders	Williams
Broxson	Hollahan	Scarborough	Wilson

Nays—3

Deeb	Ducker	Plante
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On motion by Senator Williams, the rules were waived and the Senate immediately reconsidered the vote by which SB 431 as amended passed this day.

By permission, Senator Williams withdrew SB 431 from the Senate.

**SB 320**—A bill to be entitled An act relating to the board of regents; amending section 240.042(2)(h), Florida Statutes, to require uniform application of standards of admission at all institutions supervised by the board of regents; providing an effective date.

Was taken up and read the second time by title.

**The President Pro Tempore presiding.**

The Committee on Education offered the following amendment which was adopted on motion by Senator Saunders:

In Section 1, line 21, page 1, strike "and" and the remainder of Section 1 and insert the following: provided, however, that standards of admission may vary from institution to institution. In establishing the standards for admission the Board of Regents may take into consideration any and all factors they deem desirable, including, but not limited to scores on admission tests, a student's past performance, or any other criteria that the Board of Regents may wish incorporated into such admission standards, provided, however, that such standards as are adopted for each institution shall be uniformly applied within such institution regardless of race, creed, color or national origin.

On motion by Senator Saunders, the rules were waived and SB 320 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—34 Nays—None

Mr. President	Ducker	Ott	Slade
Askew	Fincher	Plante	Thomas
Bafalis	Friday	Pope	Trask
Barron	Gong	Poston	Weber
Barrow	Gunter	Reuter	Weissenborn
Bell	Haverfield	Saunders	Williams
Bishop	Henderson	Sayler	Wilson
Boyd	Hollahan	Scarborough	
Daniel	Johnson	Shevin	

**SB 347**—A bill to be entitled An act relating to district school boards, requiring board policies to include a procedure for the transfer of a principal; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Boyd, the rules were waived and SB 347 was read the third time by title, passed and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	de la Parte	Myers	Stone
Askew	Ducker	Plante	Thomas
Bafalis	Fincher	Pope	Trask
Barron	Friday	Poston	Weber
Barrow	Gong	Reuter	Weissenborn
Bell	Gunter	Saunders	Williams
Bishop	Henderson	Sayler	Wilson
Boyd	Hollahan	Scarborough	
Chiles	Horne	Shevin	
Daniel	Johnson	Slade	

**SJR 19—A** joint resolution proposing an amendment to Section 16 of Article III of the Florida Constitution; providing that the Legislature shall apportion the state into thirty-six senate districts and eighty house districts.

Was taken up and read the second time by title.

Senator Thomas offered and moved the following amendment:

In Section 16, line 25, page 1, strike "thirty-six consecutively numbered senatorial districts of either contiguous, overlapping or identical territory" and insert the following:

forty contiguous, consecutively numbered single-member senatorial districts

Senator Pope offered the following amendment to the amendment which was adopted:

Before "forty" insert the following: not more than

On motion by Senator Pope, the Senate reconsidered the vote by which the amendment to the amendment was adopted. By permission, Senator Pope withdrew the amendment to the amendment.

By permission, Senator Thomas withdrew the amendment.

Senator Barrow offered the following amendment which was adopted:

In Section 16, lines 25-28, page 1, strike "thirty-six (36)" through "territory" on line 28 and insert the following: not less than thirty nor more than forty contiguous, consecutively numbered, single-member senatorial districts,

Senators Ott, Thomas and Barrow offered the following amendment which was moved by Senator Ott:

Line 1, page 2, strike:

"Should that session" and the balance of the paragraph through line 8 of page 2 and insert the following: *Said senatorial and representative districts shall be single member districts and only the electorate of each district shall be eligible to vote for the representative or senator seeking to represent that district.* Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

Senator Broxson offered the following substitute amendment which failed:

In Section 16, line 1, page 2, strike the period and insert the following: ; provided, however, that no more than two senators shall represent identical territories.

The question recurred on the adoption of the amendment which was adopted. The vote was:

Yeas—29

Askew	Daniel	Horne	Thomas
Bafalis	Deeb	Johnson	Trask
Barrow	de la Parte	Karl	Weissenborn
Beaufort	Ducker	Lane	Williams
Bell	Friday	Ott	Wilson
Bishop	Gong	Plante	
Boyd	Gunter	Slade	
Chiles	Henderson	Stone	

Nays—17

Mr. President	Hollahan	Reuter	Stolzenburg
Barron	Knopke	Saunders	Weber
Broxson	Myers	Saylor	
Fincher	Pope	Scarborough	
Haverfield	Poston	Shevin	

Senator Thomas offered the following amendment which was adopted:

In Section 16, line 28, page 1, insert the following after the word "into": not less than eighty nor more than one hundred

On motion by Senator Friday, the rules were waived and time of adjournment was extended until 12:30 p.m. The vote was:

Yeas—25

Mr. President	Broxson	Hollahan	Stone
Askew	Chiles	Horne	Thomas
Barron	de la Parte	Knopke	Williams
Barrow	Ducker	Myers	Wilson
Beaufort	Friday	Ott	
Bell	Gunter	Pope	
Boyd	Haverfield	Saunders	

Nays—18

Bafalis	Karl	Saylor	Trask
Deeb	Lane	Scarborough	Weber
Fincher	Plante	Shevin	Weissenborn
Henderson	Poston	Slade	
Johnson	Reuter	Stolzenburg	

Senator Thomas offered the following amendment which was adopted:

In Section 16(a), line 28, page 1, following "not less than eighty nor more than one hundred" strike remainder of sentence through "Territory" line 1, page 2 and insert the following: contiguous, consecutively numbered, single-member, representative districts.

Senator Ott offered the following amendment which was adopted:

Line 27, page 1, strike the words: "either" and "overlapping or identical"

Senator Daniel offered the following amendment which was adopted:

In title, line 8, page 1, strike: "thirty six (36) senate districts and eighty" and insert the following: not less than thirty nor more than forty senate districts and not less than eighty nor more than one hundred.

On motion by Senator Mathews, the rules were waived and SJR 19 as amended was read the third time in full as follows:

**SJR 19—A** Joint Resolution proposing an amendment to Section 16 of Article III of the Florida Constitution; providing that the Legislature shall apportion the state into not less than thirty nor more than forty senate districts and not less than eighty nor more than one hundred house districts.

*Be It Resolved by the Legislature of the State of Florida:*

That the following proposed amendment of Section 16 of Article III of the Constitution of Florida is agreed to be, and shall be, submitted to the electors of the state for ratification or rejection at the general election to be held in November 1970.

## ARTICLE III

### LEGISLATURE

#### SECTION 16. Legislative Apportionment.—

(a) **SENATORIAL AND REPRESENTATIVE DISTRICTS.** The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty contiguous, consecutively numbered, single-member senatorial districts [of either contiguous, overlapping or identical territory], and into not less than eighty nor more than one hundred [twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory.] *contiguous, consecutively numbered, single-member, representative districts. Said senatorial and representative districts shall be single member districts and only the electorate of each district shall be eligible to vote for the representative or senator seeking to represent that district.*

Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) **FAILURE OF LEGISLATURE TO APPORTIONMENT; JUDICIAL REAPPORTIONMENT.** In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

(c) **JUDICIAL REVIEW OF APPORTIONMENT.** Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) **EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT SESSION.** A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) **EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT.** Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

(f) **JUDICIAL REAPPORTIONMENT.** Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment.

Be It Further Resolved:

That the secretary of state shall take such action as may be necessary to insure that proper notice of said election, printing of ballots, and the counting and publication of results is made.

Senator Poston presiding.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until final action on SJR 19.

The President Pro Tempore presiding.

—and SJR 19 passed by the required Constitutional three-fifths vote of all members elected to the Senate and was ordered engrossed.

The vote was:

Yeas—34

Mr. President	Deeb	Johnson	Slade
Askew	de la Parte	Karl	Stolzenburg
Bafalis	Ducker	Knopke	Stone
Beaufort	Friday	Lane	Thomas
Bell	Gong	Myers	Trask
Bishop	Gunter	Ott	Weissenborn
Boyd	Henderson	Plante	Williams
Chiles	Hollahan	Poston	
Daniel	Horne	Reuter	

Nays—12

Barron	Fincher	Saunders	Shevin
Barrow	Haverfield	Sayler	Weber
Broxson	Pope	Scarborough	Wilson

On motion by Senator Friday, Rule 2.5 was waived and the Committee on Rules and Calendar was granted permission to consider on April 29 all bills scheduled for its meeting this day.

Pursuant to Rule 4.6, a point of order was called by Senator Chiles, and SB 612 was also referred to the Committee on Ways and Means.

Senator Daniel moved that the rules be waived and SB 612 be withdrawn from the Committee on Ways and Means and placed on the Calendar.

Senator Broxson raised a point of order that a motion had been adopted to extend the time of adjournment until final action on SJR 19 and that the motion by Senator Daniel was not in order.

The Chair stated that unless there was objection, he would entertain the motion.

Senator Barron raised a point of order that debate as to whether SB 612 carried an appropriation was out of order as the Chair had ruled that it would be committed to the Committee on Ways and Means and debate should be confined to the motion by Senator Daniel.

The Chair ruled the point well taken.

The question recurred on the motion by Senator Daniel and the motion failed. The vote was:

Yeas—20

Barrow	Daniel	Karl	Poston
Beaufort	Friday	Lane	Shevin
Bell	Haverfield	Ott	Slade
Bishop	Henderson	Plante	Williams
Broxson	Johnson	Pope	Wilson

Nays—16

Mr. President	Chiles	Gunter	Reuter
Askew	de la Parte	Horne	Saunders
Barron	Ducker	Knopke	Trask
Boyd	Gong	Myers	Weber

#### CO-INTRODUCERS

By permission, Senator Gunter was recorded as a co-introducer of SB 318.

By permission, Senator Trask was recorded as a co-introducer of Senate Bills 571, 815, and 816.

By permission, Senator Weissenborn was recorded as a co-introducer of Senate Bills 840, 841, 842, 864, 868, 851, 790, 792 and 880.

By permission, Senator Shevin was recorded as a co-introducer of SB 617.

By permission, Senator Askew was recorded as a co-introducer of Senate Bills 371 and 432.

Senator Weber moved that the rules be waived and HCR 4383 be withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

A substitute motion by Senator Friday that the Senate do now adjourn was adopted and the Senate adjourned at 1:20 p.m. to reconvene at 8:30 a.m., Wednesday, April 29, 1970.